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RESOLUTION NO. 03-392

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **STORM WATER DRAIN NO. 204 (SOUTH OF 21ST, EAST OF 127TH STREET EAST) 468-83625** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **STORM WATER DRAIN NO. 204 (SOUTH OF 21ST, EAST OF 127TH STREET EAST) 468-83625** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That Resolution No. **03-211** approved on May 6, 2003 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Storm Water Drain No. 204 (south of 21st, east of 127th Street East) 468-83625** in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **Eight Hundred Eighty-Eight Thousand Dollars (\$888,000)**, exclusive of the cost of interest on borrowed money, with **100 percent** payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 1, 2003**.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

REED'S COVE ADDITION

Lots 1 through 40, Block 1;
Lots 1 through 69, Block 2;
Lots 1 through 33, Block 3;

REED COMMERCIAL ADDITION

Lots 1 through 5, Block 1;

REED'S COVE 2ND ADDITION

Lot 1, Block 1;
Lot 1, Block 2;
Lot 1, Block 3;
Lot 1, Block 4;

UNPLATTED TRACT

A tract of land lying in the Northwest Quarter, Section 11, Township 27 South, Range 2 East, of the 6th Principal meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at a point lying on the East line of said Northwest Quarter, said point lying 40.00 feet South of the Northeast corner of said Northwest Quarter; thence along the East line of said Northwest Quarter on a Kansas South Zone Grid Bearing of S00°57'48"E, 1629.70 feet; thence N23°39'47"W, 255.29 feet; thence N08°04'16"E, 114.89 feet; thence N28°36'49"W, 165.19 feet; thence N52°13'51"W, 258.49 feet; thence N24°03'33"W, 398.19 feet; thence N05°12'19"W, 141.67 feet; thence N26°41'39"W, 182.86 feet; thence N32°44'15"E, 357.33 feet; thence parallel with the North line of said Northwest Quarter, N88°33'26"E, 406.59 feet to the POINT OF BEGINNING.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **fractional basis**.

Lots 1 through 39, Block 1; Lots 1 through 69, Block 2; Lots 1 through 33, Block 3; Lot 1, Block 1; Lot 1, Block 2; Lot 1, Block 3; and Lot 1, Block 4; within Reed's Cove and Reed's Cove 2nd Addition respectively shall each pay 27/10,000 of the total cost payable by the improvement district. Lot 40, Block 1, within Reed's Cove Addition shall pay 911/10,000 of the total cost payable by the improvement district. Lot 1, Block 1, within Reed Commercial Addition shall pay 3127/10,000 of the total cost payable by the improvement district. Lots 2 through 5, Block 1, within Reed Commercial Addition, shall each pay 234/10,000 of the total cost payable by the improvement district. The Unplatted Tract shall pay 1111/10,000 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 15, 2003.

CARLOS MAYANS, MAYOR

ATTEST:

PAT GRAVES, CITY CLERK

(SEAL)